

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

EKLECCO NEWCO LLC and EKLECCO L.L.C.,

Plaintiffs,

v.

TOWN OF CLARKSTOWN, TOWN BOARD OF THE  
TOWN OF CLARKSTOWN, THE TOWN OF  
CLARKSTOWN PLANNING BOARD, and GEORGE  
HOEHMANN, as Supervisor of the Town of Clarkstown,

Defendants.

---

**NOTICE OF APPEAL**

Civil Action No.:  
16-CV-06492(NSR)

Plaintiffs Eklecco Newco LLC and Eklecco L.L.C. ("Eklecco") hereby appeal to the United States Court of Appeals for the Second Circuit from: each and every part of the Judgment entered by the Court on May 22, 2019 (Dkt. 76) and the Opinion and Order entered by the Court on May 21, 2019 (Dkt. 75), which together dismissed Plaintiffs' Second Amended Complaint pursuant to Rules 12(b)(6) and 12(b)(1); and each and every part of the Opinion and Order entered by the Court on June 18, 2018 (Dkt. 55), dismissing Plaintiffs' First Amended Complaint, in part, pursuant to Rules 12(b)(6) and 12(b)(1).

Dated: Buffalo, New York  
June 18, 2019

PHILLIPS LYTLE LLP

By /s/ Craig A. Leslie  
Craig A. Leslie, Esq.  
Daniel Maguire, Esq.  
*Attorneys for Plaintiffs*  
*Eklecco NewCo LLC and Eklecco L.L.C.*  
One Canalside  
125 Main Street  
Buffalo, New York 14203  
Telephone No.: (716) 847-8400  
cleslie@phillipslytle.com

And

Anthony S. Fiotto, Esq.  
Goodwin Procter LLP  
100 Northern Avenue  
Boston, MA 02210  
Telephone No.: (617) 570-1324  
afiotto@goodwinlaw.com

TO: John Flannery, Esq.  
*Attorneys for Defendants*  
Wilson Elser Moskowitz Edelman & Dicker, LLP  
1133 Westchester Avenue  
White Plains, New York 10604  
Telephone No.: (914) 872-7111  
john.flannery@wilsonelser.com